1 HB471
2 191091-3
3 By Representative Knight (N & P)
4 RFD: Montgomery County Legislation
5 First Read: 01-MAR-18
ENROLLED, An Act,

Relating to the City of Montgomery and the Montgomery Airport Authority; to authorize the City of Montgomery and the Montgomery Airport Authority to join the Employees' Retirement System of Alabama and transfer assets and liabilities of the existing Employees' Retirement System of the City of Montgomery to the Employees' Retirement System of Alabama; and to authorize the Employees' Retirement System of Alabama to maintain and administer the retirement plans set forth in Act 2013-385, 2013 Regular Session (Acts 2013, p. 1447), for the members of the Employees' Retirement System of the City of Montgomery who do not elect to transfer, or are not automatically transferred, to the Tier I Plan or the Tier II Plan set forth in Chapter 27 of Title 36, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Notwithstanding Act 2013-385, 2013 Regular Session (Acts 2013, p. 1447), the City of Montgomery, by action of the city council, and the Montgomery Airport Authority, by action of its governing board, may take any action necessary to participate in the Employees' Retirement System of Alabama pursuant to Section 36-27-6, Code of Alabama 1975, and the remaining provisions of Chapter 27 of Title 36, Code of Alabama 1975, and may transfer any asset and liability
of the Employees' Retirement System of the City of Montgomery
to the Employees' Retirement System of Alabama, as necessary
for the City of Montgomery and the Montgomery Airport
Authority to participate in the Employees' Retirement System
of Alabama.

(b) Upon acceptance of the City of Montgomery in the
Employees' Retirement System of Alabama, the Board of the
Employees' Retirement System of the City of Montgomery may
terminate the retirement system established under Ordinance
No. 1659, as amended, according to the terms and conditions as
the Board of the Employees' Retirement System of the City of
Montgomery shall provide and upon satisfaction of any
obligation to any vested member of the system in the manner as
the board shall determine necessary.

Section 2. (a)(1) Members who began participation in
the Employees' Retirement System of the City of Montgomery
prior to October 1, 2013, shall have the option to continue to
participate in the benefit structure set forth in Act
2013-385, 2013 Regular Session (Acts 2013, p. 1447), or to
participate in the Tier I plan set forth in Chapter 27 of

(2) The election under subdivision (1) must be made
in accordance with the procedures, rules, regulations, and
time periods established by the Board of Control of the
Employees' Retirement System of Alabama.
(b)(1) Members who began participation in the Employees' Retirement System of the City of Montgomery on or after October 1, 2013, shall be Tier II plan members as set forth in Chapter 27 of Title 36, Code of Alabama 1975, except that those members who are police or fire personnel prior to the date that the City of Montgomery begins participation in the Employees' Retirement System of Alabama have the option to continue to participate in the benefit structure set forth in Act 2013-385, 2013 Regular Session (Acts 2013, p. 1447).

(2) The election under subdivision (1) must be made in accordance with the procedures, rules, regulations, and time periods established by the Board of Control of the Employees' Retirement System of Alabama.

(c)(1) The Employees' Retirement System of Alabama is authorized to maintain and administer the retirement plans set forth in Act 2013-385, 2013 Regular Session (Acts 2013, p. 1447), for those employees who elect to continue to participate in the benefit structure under subsection (a) and (b).

(2) The participants under subdivision (1) shall be considered members of the Employees' Retirement System of Alabama.

(d) Employees who begin employment with the City of Montgomery on or after the date that the City of Montgomery begins participation in the Employees' Retirement System of
Alabama and employees who begin employment with the Montgomery Airport Authority on or after the date the Montgomery Airport Authority begins participation in the Employees' Retirement System of Alabama shall participate in the Employees' Retirement System of Alabama in accordance with Section 36-27-6, Code of Alabama 1975.

Section 3. The amounts certified each year to the chief financial officer of the City of Montgomery and the chief financial officer of the Montgomery Airport Authority pursuant to Section 36-27-6(g), Code of Alabama 1975, shall be included in the respective budget of the city and the authority in accordance with legal budget procedure of each entity.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.
Mac McCallum  
Speaker of the House of Representatives

Speaker of the House of Representatives

President and Presiding Officer of the Senate

Jeff Woodard  
Clerk

Senate  22-MAR-18  Passed

APPROVED  4/6/18

TIME  2:52 pm

Kay Ivey  
GOVERNOR
SENATE ACTION
(Continued)

DATE: 3-22-18

RD 3 at length

PASSED ✓ PASSED AS AMENDED □

YEAS 26 NAYS 0 ALL

And was ordered returned forthwith to the House.

PATRICK HARRIS,
Secretary

DATE: 20_

INDEFINITELY POSTPONED YEAS NAYS

DATE: 20_

RECONSIDERED YEAS NAYS

CONFERENCE COMMITTEE

Senate Conferees

This bill having been referred to the Committee on Rules pursuant to Senate Rule 23 is reported to the Senate for assignment to the Committee on:

This ______ day of __________________, 20______

__________________________, Chairperson

Date: _________________________

Rereferred

Committee: